

HOUSE BILL 3511  
By Tindell

AN ACT to amend Tennessee Code Annotated, Title 44,  
Chapter 17 and Title 55, Chapter 4, Part 2,  
relative to the spaying and neutering of dogs and  
cats.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 44, Chapter 17, is amended by adding  
the following language as a new Part 6:

**§44-17-601**

(a) The general assembly finds that the uncontrolled breeding of cats and dogs in the state has led to unacceptable numbers of unwanted dogs and puppies and cats and kittens. These unwanted animals become strays and constitute a public nuisance and a public health hazard. The animals themselves suffer privation and death, are impounded, and most are destroyed at great expense to local governments. It is the intention of the general assembly to provide a voluntary means of funding a spay/neuter program to provide financial assistance to local governments offering low-income persons reduced-cost spay/neuter services for their dogs and cats and to provide a statewide education program on the benefits of spaying and neutering pets.

(b) For the purposes of this part, "dog" and "cat" and their respective plurals shall be as defined in § 68-8-102.

**§44-17-602**

There is established in the department of health a statewide program to foster the spaying and neutering of dogs and cats for the purpose of reducing the population of unwanted animals in the state. The program shall consist of the following components:

(1) Education Program. - The department shall establish a statewide program to educate



the public about the benefits of having cats and dogs spayed and neutered. The department shall work cooperatively on the development and implementation of such program with the University of Tennessee College of Veterinary Medicine, other state agencies and departments, county and municipality health departments and animal control agencies, and statewide and local humane organizations. The department may employ outside consultants to assist with the education program.

(2) Local Spay/Neuter Assistance Program. - The department shall administer the spay/neuter fund established in § 44-17-603. Moneys deposited in the fund shall be available to reimburse eligible counties and municipalities for the direct costs of spay/neuter surgeries for cats and dogs made available to low-income persons.

#### **§44-17-603**

(a)(1) The spay/neuter fund is established as a special non-reverting general fund reserve to be administered by the department of health. Moneys in such fund shall be allocated by the general appropriations act. Moneys in such fund may be expended to fund activities authorized by this part. Any revenues deposited in such fund shall remain in reserve until expended for purposes consistent with this part, and shall not revert to the general fund on any June 30. Any excess revenues from interest earned by such revenues shall not revert on any June 30, but shall remain available for appropriation in subsequent fiscal years. Any appropriation from such reserve shall not revert to the general fund on any June 30, but shall remain available for expenditure in subsequent fiscal years.

(2) The spay/neuter fund shall consist of the following:

- (A) Fifty cents (50¢) of the fee imposed on persons obtaining rabies vaccination certificates or tags for their dogs and cats from the department of health;
- (B) Ten dollars (\$10.00) of the additional fee imposed by § 55-4-203 and § 55-4-290, upon the sale or renewal of an Animal Friendly new specialty earmarked license



plate; and

(C) Any other funds available from appropriations by the general assembly or from contributions and grants from public or private sources.

(b) The revenue in the fund shall be used by the department of health as follows:

(1) Twenty percent (20%) shall be used to develop and implement the statewide education program component of the spay/neuter program established in § 44-17-602(1).

(2) No more than twenty percent (20%) of the moneys in the fund may be used to defray the costs of administering the spay/neuter program established in this part.

(3) Funds remaining after deductions for the education program and administrative expenses shall be distributed quarterly to eligible counties and municipalities seeking reimbursement for reduced-cost spay/neuter surgeries made available to low-income persons.

#### **§44-17-604**

(a) A county or municipality is eligible for reimbursement from the spay/neuter fund if the county or municipality meets the following condition:

The county or municipality offers one (1) or more of the following programs to low-income persons on a year-round basis for the purpose of reducing the cost of spaying and neutering procedures for dogs and cats:

(1) A spay/neuter clinic operated by the county or municipality;

(2) A spay/neuter clinic operated by a private organization under contract or other arrangement with the county or municipality;

(3) A contract or contracts with one (1) or more veterinarians, whether or not located within the county or municipality, to provide reduced-cost spaying and neutering procedures;



(4) Subvention of the spaying and neutering costs incurred by low-income dog and cat owners through the use of vouchers or other procedures that provide a discount of the cost of the spaying or neutering procedure fixed by a participating veterinarian or other provider; or

(5) Subvention of the spaying and neutering costs incurred by persons who adopt a pet from an animal shelter operated by or under contract with the county or municipality.

(b) For purposes of this part, the term "low-income person" shall mean an individual whose income is below one hundred percent (100%) of the federal poverty level.

**§44-17-605**

(a) Counties and municipalities eligible for distributions from the spay/neuter fund may receive reimbursement for the direct costs of a spay/neuter surgical procedure for a dog or cat owned by a low-income person meeting the department's eligibility requirements for spay/neuter services. Reimbursable costs shall include anesthesia, medication, and veterinary services. Counties and municipalities shall not be reimbursed for the administrative costs of providing reduced-cost spay/neuter services or capital expenditures for facilities and equipment associated with the provision of such services.

(b) A county or municipality eligible for reimbursement of spaying and neutering costs from the spay/neuter fund shall apply to the department of health by the last day of January, April, July, and October of each year to receive a distribution from the fund for that quarter. The application shall be submitted in the form required by the department and shall include an itemized listing of the costs for which reimbursement is sought.

(c) The department shall make payments from the spay/neuter fund to eligible counties and municipalities that have made timely application for reimbursement within thirty (30) days of



the closing date for receipt of applications for that quarter. In the event that total requests for reimbursement exceed the amounts available in the spay/neuter fund for distribution, the moneys available shall be distributed to each eligible county or municipality in proportion to the number of dogs and cats that received rabies vaccinations during the preceding fiscal year in that county or municipality as compared to the number of dogs and cats that received rabies vaccinations during the preceding fiscal year by all the eligible applicants in the state as a whole.

#### **§44-17-606**

Every county or municipality animal shelter, or animal shelter operated under contract with a county or municipality or otherwise in receipt of state or local funding, shall prepare an annual report setting forth the numbers, by species, of animals received into the shelter, the number adopted out, the number returned to owner, and the number destroyed. The report shall also contain the total operating expenses of the shelter and the cost per animal handled. The report shall be filed with the department of health by August 1 of each year.

SECTION 2. Tennessee Code Annotated, Section 55-4-290(c), is amended by adding the following language as a new subdivision (c)(3) and by redesignating subsequent subdivisions accordingly:

(c)(3) Notwithstanding the provisions of subdivision (c)(1), effective July 1, 2006, and for all subsequent fiscal years, ten dollars (\$10.00) of the additional fee imposed by § 55-4-203 for each Animal Friendly new specialty earmarked license plate sold or renewed shall be allocated to the spay/neuter fund established by § 44-17-603.

SECTION 3. The commissioner of health is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.



SECTION 4. For the purpose of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2006, the public welfare requiring it.